

CAUSE No. DC-14-04190

JENNIFER DUNCAN,

Plaintiff,

v.

JAMES "CHRIS" FREEMAN, ERIN
FREEMAN, GOOD VAPES LLC D/B/A
GOOD VAPES,

Defendants.

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IN THE DISTRICT COURT

44th JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Jennifer Duncan and files this her Original Petition complaining of and against James "Chris" Freeman, Erin Freeman and Good Vapes, LLC d/b/a Good Vapes, and in support thereof would respectfully show unto the Court as follows:

DISCOVERY CONTROL PLAN

1. This matter is governed by Discovery Level 2 in accordance with Texas Rule of Civil Procedure 190.

PARTIES

2. The Plaintiff is an individual residing in Dallas County, Texas.

3. **Defendant James "Chris" Freeman** is an individual resident of Texas. He may be served with process at his home, which is located at 2440 Peavy Road, Dallas, Texas 75228, or wherever he may be found.

4. **Defendant Erin Freeman** is an individual resident of Texas. She may be served with process at her home, which is located at 2440 Peavy Road, Dallas, Texas

75228, or wherever she may be found.

5. **Defendant Good Vapes Limited Liability Company** (“Good Vapes”) is a Texas limited liability company with its principal place of business at 10677 E. Northwest Highway, Suite 450, Dallas, Texas 75238. It may be served with process by serving its registered agent Solutions Tax & Bookkeeping LLC, at 5750 Genesis Court Ste 100, Frisco, Texas 75034 or wherever he may be found.

JURISDICTION & VENUE

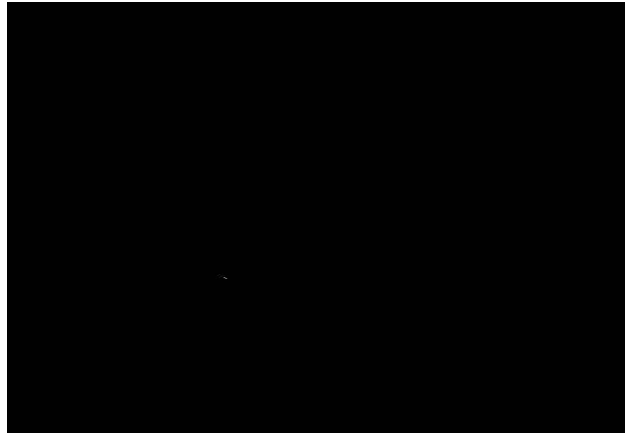
6. Jurisdiction is proper in this Court as the relief requested falls within the jurisdictional limits of the Court. Venue is proper in Dallas County, Texas, pursuant to Chapter 15 of the Texas Civil Practice and Remedies Code.

7. Jurisdiction is proper in this Court as the damages fall within the jurisdictional limits of this Court. Pursuant to TEX. R. CIV. P. 47 the Plaintiff seeks monetary relief over \$1,000,000.00.¹

FACTS

8. Duncan a successful entrepreneur wanted to expand her portfolio and she decided to open a “vape store” catering to the fast-growing electronic cigarette market. “Vape stores” became known as “vape stores,” because e-cigarettes dispense vaporized nicotine rather than tobacco smoke.

¹ Plaintiff reserves the right to amend, decrease and/or increase the amount of damages plead based on evidence developed before the trial.



9. As of fall of 2013 there were more than 3,500 independent vape stores around the country. E-cigarette manufactures and sales are not highly regulated or taxed in most states, making them more profitable than tobacco products.

10. Reynolds American (RAI) estimates electronic products account for about 1 percent of U.S. cigarette sales and projects e-cigarette revenue will reach \$3 billion within five (5) years. Other forecasts show e-cigarette sales reaching more than \$10 billion by 2017. Last year, e-cigarette sales topped \$1.7 billion, according to the industry group, Tobacco Vapor Electronic Cigarette Association.

11. That said Duncan leased two (2) commercial spaces one in Killeen and the other on Lemmon Avenue in Dallas. Shortly after securing two (2) commercial spaces, Duncan separated from her original partner and was looking for a new partner to join her in this once in a life time chance to be one of the first to open one of these extremely profitable “vape stores.”

12. At the beginning of November, Duncan who was doing her due diligence on “vape stores” met Chris and Erin Freeman at their Good Vapes Northwest Highway location. Soon thereafter Duncan met the Freeman's at Go 4 It Sports Bar to discuss partnering up and opening a “vape store,” and after their discussion both sides were

interested and excited about the possibility of doing business together.

13. On November 7, 2013, Duncan and the Freemans met and negotiated the details of their partnership – including their respective contributions, percentages of profits and losses, and the duties and responsibilities of each member. The parties had a deal.

14. After having reached an agreement, the parties jointly retained attorney John Andrews (“Andrews”) for the purpose of forming a limited liability company (“LLC”) and for him to prepare an operating agreement to govern the LLC. The Parties’ operating agreement was to be consistent with the previously negotiated and agreed upon terms. Andrews formed the LLC on behalf of all three partners, and delivered the operating agreement to Duncan and the Freemans on November 15, 2013.

15. Subsequently, pursuant to the agreement and in reliance on representations made to her by the Freemans and Good Vapes, Duncan contributed \$50,000 to the Good Vapes Lemmon Avenue business account. In addition, Duncan through her construction company performed the finish-out work at the future location of the Good Vapes store on Lemmon Avenue.

16. After weeks of doing business together, in accordance with the original agreement, Chris Freeman decided to break his promise that he made to Duncan in regards to the previously agreed upon 60/40 percentage split (60% to the Freemans and 40% to Duncan) of the profits.

17. At no point prior to that time, which includes the planning, meeting, negotiating, agreeing, and operating of the LLC, did the Freemans ever express dissatisfaction with the ownership percentages. Nonetheless, instead of abiding by the

agreed upon terms, the Freemans and Good Vapes attempted to materially alter the Parties' agreement. The Freemans did so by demanding that Duncan no longer use the name 'Good Vapes' in the future and that the \$50,000 she invested would not be mentioned in the operating agreement.

18. Furthermore, the Freemans contacted their own attorney behind Duncan's back, Carla Rankin, to construct yet second Temporary Operating Agreement. The now second Temporary Operating Agreement stated that "the parties are in good faith negotiations to agree to terms of a Company Agreement." Despite the original agreement that had been reached with Andrews and Duncan's good faith efforts to satisfy the Freemans, the Freemans included a provision in the second Temporary Operating Agreement, which stated that, "if terms cannot be agreed to on or before 5:00pm CST on Wednesday, January 29, 2014, the Parties will have no further obligation to Good Vapes Lemmon, each other individually or collectively and dissolution of the Partnership Agreement must commence and be dissolved." This unilateral attempt at dissolving the existing partnership was deeply troubling to Duncan.

19. Because the Freemans refused to abide by the Original Agreement negotiated and agreed to with Duncan, Duncan let the Freemans know that she would still be willing to proceed with another Good Vapes location, in Killeen, per the Parties' original agreement. However, the Freemans continued to force Duncan's hand and they informed Duncan that they would remain partners with her only if: 1) she agreed to take a smaller percentage share of Good Vapes Lemmon (70/30 split); 2) a smaller percentage share than what was previously agreed upon for Good Vapes Killeen (65/35 split); and, 3) agreed that a 3rd store would be opened within eighteen (18) months and

if the 3rd location was not opened, Duncan's percentage for the Lemmon and Killeen locations would go back to the 60/40 split. If so, then the Freemans would go forward and complete the LLC. Based on the Freeman's representations and the new agreement that they made, Duncan agreed to make an additional contribution to Good Vapes Killeen.

20. Unbeknownst to Duncan, the Defendants had other plans when Duncan reviewed the new Operating Agreement prepared by the Defendants' lawyer Carla Rankin ("Rankin"), she discovered that the Rankin Agreement was significantly different from the Operating Agreement that was agreed to by the Parties in the office of Andrews. The Rankin Agreement was not what was agreed to by Duncan. Among other things the Agreement contained a provision that allowed the Freemans to buy Duncan out for only \$50,000.00. It is important to note that the \$50,000.00 buyout that the Freemans inserted into the Rankin Agreement is significantly lower than the amount already contributed to the partnership by Duncan up to that point in time.

21. On January 27, 2014, the Freemans met with Andrews and told him that they wanted "out of the partnership." The Freemans rejected the Operating Agreement that Andrews had drafted, they rejected the Operating Agreement that their own attorney Rankin had drafted and instead unilaterally decided to breach the Parties' agreement (again) and dissolve the partnership.

22. Thereafter, the Freemans took control of Good Vapes Lemmon and excluded Duncan. They stopped having weekly accounting meetings and refused to disclose any financial details of the business to Duncan. Now, they want Duncan to take her investment back and "go home" -- after they used her money, her location

and her construction company to start and build the business.

23. Duncan has fully performed her obligations under pursuant to the Agreement. In particular, Duncan has invested financially, located property and provided her services in the construction of Good Vapes Lemmon.

CAUSES OF ACTION

BREACH OF CONTRACT

24. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

25. Duncan is a proper party to sue for breach of contract.

26. Duncan performed, tendered performance of, or was excused from performing her contractual obligations.

27. The Defendants breached the contract.

28. As a result of the Defendants breach of contract, Plaintiff has suffered actual, consequential, incidental, and special damages, in an amount exceeding the jurisdiction limits of this Court.

29. All conditions precedent to recovery have been performed or have occurred.

MONEY HAD AND RECEIVED

30. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

31. The Defendants hold money. The Freemans refuse to distribute Plaintiff's fair share of profits.

32. The money belongs to Duncan in equity and good conscience. Plaintiff

has invested a substantial amount of time, money, and resources into the partnership formed with Defendants.

33. As a result of the Defendants actions, Plaintiff has suffered actual, consequential, incidental, and special damages, in an amount exceeding the jurisdiction limits of this Court.

CONVERSION

34. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

35. Duncan owned, possessed, or had the right to immediate possession of property.

36. The property was personal property.

37. The Defendants wrongfully exercised dominion or control over the property.

38. Duncan suffered injury.

FRAUD

39. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

40. The Defendants made representations to Duncan including but not limited to that they agreed to partner with Duncan on a 60 / 40 split of the profits.

41. The representations were material. The representations made by the Defendants were essential to inducing Duncan to contribute her own financial resources and assets to the partnership.

42. The representations were false. The Defendants had no intention of

creating a long-term partnership with Duncan despite their multiple representations saying otherwise.

43. When the Defendants made the representations, the Defendants 1) knew the representations were false, or 2) made the representation recklessly, as a positive assertion, and without knowledge of its truth.

44. The Defendants made the representations with the intent that Duncan would act on them and in fact she did. Duncan scouted properties, discovered and leased the location currently being used for Good Vapes Lemmon Avenue. In addition, Duncan contributed \$50,000 to Good Vapes Lemmon Avenue business account, the office furniture, an antique cabinet for the coffee bar and put down the \$10, 569.00 security deposit on the lease which is in her name! If that is not enough, Duncan, through her construction company, also performed the finish-out work at the Lemmon Avenue location.

45. Duncan relied on the representations. Duncan would not have participated in the partnership to the extent that she did without the representations made by the Freemans.

46. The Defendants' representations caused Duncan injury.

FRAUD BY NONDISCLOSURE

47. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

48. The Defendants concealed from or failed to disclose certain facts to Duncan.

49. The Defendants had a duty to disclose the facts to Duncan.

50. The facts were material.

51. The Defendants knew 1) Duncan was ignorant of the facts, and 2) Duncan did not have an equal opportunity to discover the facts.

52. The Defendants were deliberately silent when they had a duty to speak.

53. By failing to disclose the facts, the Defendants intended to induce Duncan to take some action or refrain from acting.

54. Duncan relied on the Defendants' non-disclosure.

55. Duncan was injured as a result of acting without the knowledge of the undisclosed facts.

CIVIL CONSPIRACY

56. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

57. The Defendants were a member of a combination of two or more persons.

58. The object of the combination was to accomplish

(a) an unlawful purpose, or

(b) a lawful purpose by unlawful means.

59. The members had a meeting of the minds on the object or course of action to defraud Duncan.

60. One of the members committed an unlawful, overt act to further the object or course of action.

61. Duncan suffered injury as a proximate result of the wrongful act.

BREACH OF FIDUCIARY DUTY

62. Plaintiff incorporates and re-alleges the foregoing paragraphs for all

purposes as if set forth in full.

63. Duncan and the Defendants had a fiduciary relationship.

64. The Defendants breached their fiduciary duties to Duncan.

65. The Defendants' breach resulted in

- (a) injury to Duncan, or
- (b) benefit to the Defendants.

66. The Freemans made an agreement with Duncan to form a partnership. As partners of the partnership, the Freemans owed fiduciary duties to Duncan. As a result of their unlawful acts and conduct, the Freemans breached the following fiduciary duties:

- (a) duty of loyalty and utmost good faith;
- (b) duty to refrain from self-dealing;
- (c) duty of fair, honest dealing;
- (d) duty of candor;
- (e) duty to act with integrity of the strictest kind;
- (f) duty of full disclosure on all matters affecting Good Vapes;
- (g) duty to account for all of Good Vapes property; and
- (h) duty of utmost good faith, fairness, and honesty in dealing with a partner on matters pertaining to the partnership.

67. The Defendants' breach of their fiduciary duties resulted in injury to Duncan and/or benefits to the Defendants. Duncan has been damaged by the unlawful acts and conduct of the Defendants. The damages suffered by Duncan were a foreseeable result of the Defendants' breach of their fiduciary duties.

68. Duncan seeks all consequential, actual, and incidental damages that have resulted from the Freeman's breach of their fiduciary duties. Further, Duncan seeks forfeiture and disgorgement of all benefits that have been received by the Freemans as a result of these breaches of fiduciary duties owed to Duncan.

ATTORNEYS' FEES

69. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full. In accordance with §37.00 *et seq.* and §38.001 *et seq.* of the Texas Civil Practice and Remedies Code, Plaintiff is entitled to reasonable attorneys' fees. Plaintiff is further entitled to receive reasonable expert fees, costs of court, and pre judgment and post judgment interest at the highest rates allowed by law. Duncan requests that she be awarded reasonable attorney's fees incurred in the trial of this matter, as well as for all possible appeals.

AN ACCOUNTING

70. Plaintiff incorporates and re-alleges the foregoing paragraphs for all purposes as if set forth in full.

71. The court may order the fiduciary to make an accounting.

72. As alleged above, Plaintiff's money has either been misdirected or misappropriated to other entities and/or Defendants for their own pecuniary gain at the expense of the Plaintiff.

73. Plaintiff cannot know of the true nature of the use of her substantial investment without an accounting.

74. Further, Plaintiff, as a member of the partnership, has a legal right to a full accounting and tracing of the Partnership's assets.

75. The exact nature and extent of Defendants' illicit gains from their unlawful practices and schemes are not completely known to Plaintiff and cannot be determined without an accounting of the transactions made by Defendants. An investigation of such transactions is necessary since there is no adequate remedy at law.

76. Plaintiff, therefore, requests that the Court order a verified accounting.

CONDITIONS PRECEDENT

77. All conditions precedent necessary for Plaintiff to have and recover in this action has been performed or has occurred.

NO WAIVER

78. By filing this lawsuit, Plaintiff does not waive or release any rights, claims, causes of action, or defenses or make any election of remedies, but expressly reserve all such rights, claims, causes of action and defenses.

JURY DEMAND

79. Plaintiff demands that this Court empanel a lawful jury to hear this case.

REQUEST FOR DISCLOSURE

80. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose to Plaintiff within fifty (50) days of this service of this request, the information and materials described in Rule 194.2(a) through 194.2(k).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that citation issue and process be served on Defendants and that, upon final hearing, Plaintiff have and recover judgment from and against the Defendants in the amount set forth above, for reasonable attorneys' fees incurred by Plaintiff in prosecuting this

action, for costs and expenses of suit herein, for pre-judgment and post-judgment interest on all monetary relief sought herein at the highest rates allowed by law, and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

FRIEDMAN & FEIGER, L.L.P.

/s/ Jason H. Friedman

by: _____

Lawrence J. Friedman

State Bar No. 07469300

lfriedman@fflawoffice.com

James Samuel Bell

State Bar No. 24049314

jbell@fflawoffice.com

Jason H. Friedman

State Bar No. 24059784

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5301 Spring Valley Road, Suite 200

Dallas, Texas 75254

(972) 788-1400 (Telephone)

(972) 788-2667 (Telecopier)

ATTORNEYS FOR PLAINTIFF

CIVIL CASE INFORMATION SHEET

Case 3:14-cv-01827-G-BN

Document 1-2 Filed 05/19/14

Page 15 of 28

PageID 23

CAUSE NUMBER (FOR CLERK USE ONLY):

DC-14-04190

COURT (FOR CLERK USE ONLY):

44th

STYLED JENNIFER DUNCAN V JAMES "CHRIS" FREEMAN, ERIN FREEMAN, GOOD VAPES LLC D/B/A GOOD VAPES

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: Jason H. Friedman	Email: jhfriedman@fflawoffice.com	Plaintiff(s)/Petitioner(s): Jennifer Duncan	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Address: 5301 Spring Valley Road, Ste. 200	Telephone: (972) 788-1400	Defendant(s)/Respondent(s): James "Chris" Freeman, Erin Freeman, Good Vapes LLC d/b/a Good Vapes	Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
City/State/Zip: Dallas, Texas 75254	Fax: (972) 788-2667	[Attach additional page as necessary to list all parties]	
Signature: 	State Bar No: 24059784		

2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input checked="" type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property </div> <div> <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____ </div> </div>		
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health <div style="display: flex; justify-content: space-between;"> <div> <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings </div> <div> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____ </div> </div>		

3. Indicate procedure or remedy, if applicable (may select more than 1):		
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover

4. Indicate damages sought (do not select if it is a family law case):
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000

Exhibit A2

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

DC-14-04190
CIT-IS
ISSUE CITATION
622056



To:

**GOOD VAPES LLC D/B/A GOOD VAPES
BY SERVING ITS REGISTERED AGENT, SOLUTIONS TAX & BOOKKEEPING LLC
5750 GENESIS COURT, SUITE 100
FRISCO, TX 75034**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

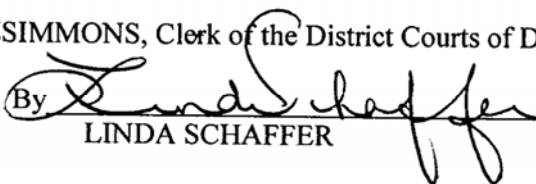
Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

By  Dep
LINDA SCHAFFER



ATTY

CITATION

DC-14-04190-B

**JENNIFER DUNCAN
vs.
JAMES "CHRIS" FREEMAN,
et al**

ISSUED THIS
21st day of April, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: LINDA SCHAFFER, Deputy

**Attorney for Plaintiff
JASON H. FRIEDMAN
FRIEDMAN & FEIGER LLP
5301 SPRING VALLEY ROAD
SUITE 200
DALLAS TX 75254
972-788-1400**

DALLAS COUNTY CONSTABLE
FEES PAID
FEES NOT PAID
Exhibit A3

OFFICER'S RETURN

Case No. : DC-14-04190-B

Court No.44th District Court

Style: JENNIFER DUNCAN

vs.

JAMES "CHRIS" FREEMAN, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,

within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____, 20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____

For Notary \$ _____

_____ of _____ County, _____

By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**ERIN FREEMAN
2440 PEAVY ROAD
DALLAS TX 75228**

DC - 14 - 04190
CIT - IS
ISSUE CITATION
522055



GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
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WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas

By  Deputy
LINDA SCHAFFER



ATTY

CITATION

DC-14-04190-B

**JENNIFER DUNCAN
vs.
JAMES "CHRIS" FREEMAN,
et al**

ISSUED THIS
21st day of April, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: LINDA SCHAFFER, Deputy

**Attorney for Plaintiff
JASON H. FRIEDMAN
FRIEDMAN & FEIGER LLP
5301 SPRING VALLEY ROAD
SUITE 200
DALLAS TX 75254
972-788-1400**

DALLAS COUNTY CONSTABLE
FEES **PAID** FEES NOT PAID
Exhibit A

OFFICER'S RETURN

Case No. : DC-14-04190-B

Court No.44th District Court

Style: JENNIFER DUNCAN

vs.

JAMES "CHRIS" FREEMAN, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,

within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____

For Notary \$ _____

_____ of _____ County, _____

By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

DC - 14 - 04190
CIT - IS
ISSUE CITATION
622064



To:

**JAMES "CHRIS" FREEMAN
2440 PEAVY ROAD
DALLAS TX 75228**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

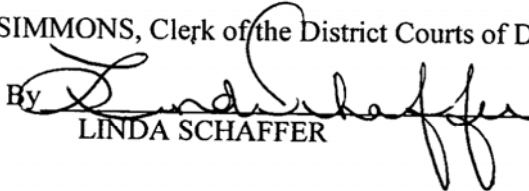

Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas

By  Linda Schaffer, Deputy Clerk


ATTY

CITATION

DC-14-04190-B

**JENNIFER DUNCAN
vs.
JAMES "CHRIS" FREEMAN,
et al**

ISSUED THIS
21st day of April, 2014

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By: LINDA SCHAFFER, Deputy

**Attorney for Plaintiff
JASON H. FRIEDMAN
FRIEDMAN & FEIGER LLP
5301 SPRING VALLEY ROAD
SUITE 200
DALLAS TX 75254
972-788-1400**

DALLAS COUNTY CONSTABLE

**FEE
PAID**

**FEE NOT
PAID**

Exhibit A3

OFFICER'S RETURN

Case No. : DC-14-04190-B

Court No.44th District Court

Style: JENNIFER DUNCAN

vs.

JAMES "CHRIS" FREEMAN, et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,

within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

CAUSE NO. DC-14-04190-B

Patricia Elliott

JENNIFER DUNCAN

44TH DISTRICT COURT

VS.

JAMES "CHRIS" FREEMAN, ET AL

DALLAS COUNTY, TEXAS

Documents: CITATION; PLAINTIFFS ORIGINAL PETITION

Received on: APRIL 21, 2014 at 3:30 P.M. the above documents to be delivered to:

GOOD VAPES LLC D/B/A GOOD VAPES BY SERVING ITS REGISTERED AGENT,
SOLUTIONS TAX & BOOKKEEPING, LLC 5750 GENESIS COURT, SUITE 100, FRISCO, TX 75034

I, DARLA GRAY, the undersigned, being duly sworn, depose and say, that I am duly authorized under Rule 103 and 536(a) to make delivery of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter. Delivery of said documents occurred in the following manner:

By delivering to: PAMELA HERZBERG

(Title / Relationship): DESIGNATED AGENT - SOLUTIONS TAX & BOOKKEEPING, LLC

Address of Service: 5750 GENESIS COURT, STE. 100, FRISCO, TX 75034

Date of Service: APRIL 22, 2014

Time of Service: 1:35 P.M.

Type of Service:

- ☐ PERSONAL SERVICE: Individually and personally to the above named recipient.
- ☐ SUBSTITUTE SERVICE: By leaving a true copy of said process with a person residing therein, who is of suitable age, at the above listed address, which is the usual place of abode or dwelling house of the above named person.
- ☒ CORPORATION / PARTNERSHIP: By delivering a true copy of said process to an officer, agent or partner of the above named entity whose name and title is listed above.
- ☐ POSTING WITH COURT ORDER: By posting a true copy of said process along with a true copy of the Court Order to the front entrance of the above listed address.
- ☐ NOT FOUND / NOT DELIVERED: for the following reason: _____

"I declare under penalties of perjury that the information contained herein is true and correct"

Signature

PS#: SCH2010
Exp: 4/30/15

Subscribed and sworn to before me, a notary public on April 23, 20 14

Notary Public in and of the State of Texas

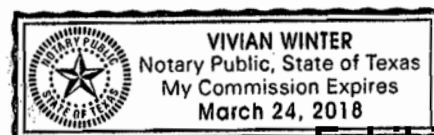


Exhibit A4

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**GOOD VAPES LLC D/B/A GOOD VAPES
BY SERVING ITS REGISTERED AGENT, SOLUTIONS TAX & BOOKKEEPING LLC
5750 GENESIS COURT, SUITE 100
FRISCO, TX 75034**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

By  Deputy
LINDA SCHAFER



ATTY

CITATION

DC-14-04190-B

JENNIFER DUNCAN

vs.

**JAMES "CHRIS" FREEMAN,
et al**

**ISSUED THIS
21st day of April, 2014**

**GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas**

By: LINDA SCHAFER, Deputy

**Attorney for Plaintiff
JASON H. FRIEDMAN
FRIEDMAN & FEIGER LLP
5301 SPRING VALLEY ROAD
SUITE 200
DALLAS TX 75254
972-788-1400**

**DALLAS COUNTY CONSTABLE
FEES PAID
FEES NOT PAID**

AFFIDAVIT OF SERVICE

CAUSE NO: DC-14-04190-B

JENNIFER DUNCAN,

44th JUDICIAL DISTRICT COURT

VS

JAMES "CHRIS" FREEMAN,

DALLAS COUNTY, TEXAS

Documents: **CITATION; PLAINTIFF'S ORIGINAL PETITION**

Received on: 4-22-14 at 11:00 A.M. / P.M. the above documents to be delivered to:

ERIN FREEMAN
2440 PEAVY ROAD, DALLAS, TX 75228

I, Ann Wilson, the undersigned, being duly sworn, depose and say, that I am duly authorized under Rule 103 and 536(a) to make delivery of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter. Delivery of said documents occurred in the following manner:

By delivering to: Erin Freeman

(Title / Relationship): _____

Address of Service: 2440 Peavy Rd. Dallas TX 75228

Date of Service: 4-22-14 Time of Service: 11:25 AM

Descriptors: Sex: F Age: 45 Color: White Height: 5'5 Weight: 160-180 Hair: Red
(white)

Type of Service:

- ☒ **PERSONAL SERVICE:** Individually and personally to the above named recipient.
- ☐ **CORPORATION / PARTNERSHIP:** By delivering a true copy of said process to an officer, agent or partner of the above named entity whose name and title is listed above.
- ☐ **POSTING WITH COURT ORDER:** By posting a true copy of said process along with a true copy of the Court Order to the front entrance of the above listed address.
- ☐ **NOT FOUND / NOT DELIVERED:** for the following reason: _____

"I declare under penalties of perjury that the information contained herein is true and correct"

Signature Ann Wilson
PS#: 1343
Exp: 10/31/14

Subscribed and sworn to before me, a notary public on 4-22, 20 14

RETRIEVE LEGAL SERVICES
2201 MAIN ST., STE 400
DALLAS, TEXAS 75201
214-566-5724 ph 214-594-7774 fax

Megan Ashley Parker
Notary Public in and of the State of Texas

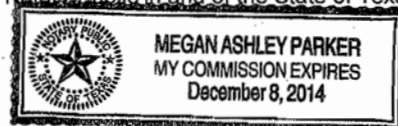


Exhibit A5

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

ERIN FREEMAN
2440 PEAVY ROAD
DALLAS TX 75228

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

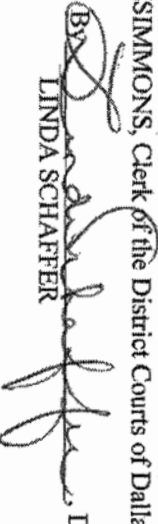
Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

By  Linda Schaffer

Deputy



ATTY

CITATION

DC-14-04190-B

JENNIFER DUNCAN

vs.

**JAMES "CHRIS" FREEMAN,
et al**

ISSUED THIS

21st day of April, 2014

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By: **LINDA SCHAFER**, Deputy

Attorney for Plaintiff

**JASON H. FRIEDMAN
FRIEDMAN & FEIGER LLP
5301 SPRING VALLEY ROAD
SUITE 200
DALLAS TX 75254
972-788-1400**

**DALLAS COUNTY CONSTABLE
FEES NOT
PAID**

AFFIDAVIT OF SERVICE

CAUSE NO: DC-14-04190-B

JENNIFER DUNCAN,

44th JUDICIAL DISTRICT COURT

VS

JAMES "CHRIS" FREEMAN,

DALLAS COUNTY, TEXAS

Documents: **CITATION; PLAINTIFF'S ORIGINAL PETITION**

Received on: 4-22-14 at 11:00 A.M. / P.M. the above documents to be delivered to:

JAMES "CHRIS" FREEMAN
2440 PEAVY ROAD, DALLAS, TX 75228

I, Ann Wixson, the undersigned, being duly sworn, depose and say, that I am duly authorized under Rule 103 and 536(a) to make delivery of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter. Delivery of said documents occurred in the following manner:

By delivering to: JAMES CHRIS FREEMAN

(Title / Relationship): _____

Address of Service: 2440 Peavy Road Dallas TX 75228

Date of Service: 4-22-14 Time of Service: 11:25 Am

Descriptors: Sex: M Age: 45-50 Color: White Height: 5'10-6'0 Weight: 185-220 Hair: Brown

Type of Service:

- ☒ **PERSONAL SERVICE:** Individually and personally to the above named recipient.
- ☐ **CORPORATION / PARTNERSHIP:** By delivering a true copy of said process to an officer, agent or partner of the above named entity whose name and title is listed above.
- ☐ **POSTING WITH COURT ORDER:** By posting a true copy of said process along with a true copy of the Court Order to the front entrance of the above listed address.
- ☐ **NOT FOUND / NOT DELIVERED:** for the following reason: _____

"I declare under penalties of perjury that the information contained herein is true and correct"

Signature Ann Wixson
PS#: 1343
Exp: 10/31/14

Subscribed and sworn to before me, a notary public on 4-22, 2014

RETRIEVE LEGAL SERVICES
2201 MAIN ST., STE 400
DALLAS, TEXAS 75201
214-566-5724 ph 214-594-7774 fax

Notary Public in and for the State of Texas
MAR
MEGAN ASHLEY PARKER
MY COMMISSION EXPIRES
December 8, 2014

Exhibit A6

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To:

**JAMES "CHRIS" FREEMAN
2440 PEAVY ROAD
DALLAS TX 75228**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JENNIFER DUNCAN**

Filed in said Court **18th day of April, 2014** against

JAMES "CHRIS" FREEMAN, ET AL

For Suit, said suit being numbered **DC-14-04190-B**, the nature of which demand is as follows:
Suit on **OTHER (CIVIL)** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 21st day of April, 2014.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

By  Deputy
LINDA SCHAFER



ATTY

CITATION

DC-14-04190-B

JENNIFER DUNCAN

vs.

**JAMES "CHRIS" FREEMAN,
et al**

ISSUED THIS

21st day of April, 2014

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By: **LINDA SCHAFER, Deputy**

Attorney for Plaintiff

JASON H. FRIEDMAN

FRIEDMAN & FEIGER LLP

5301 SPRING VALLEY ROAD

SUITE 200

DALLAS TX 75254

972-788-1400

**DALLAS COUNTY CONSTABLE
FEES NOT
PAID**

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Location : All District Civil Courts [Images](#) [Help](#)**REGISTER OF ACTIONS****CASE No. DC-14-04190****JENNIFER DUNCAN vs. JAMES "CHRIS" FREEMAN, et al**§
§
§
§
§Case Type: **OTHER (CIVIL)**Date Filed: **04/18/2014**Location: **44th District Court****PARTY INFORMATION****DEFENDANT FREEMAN, ERIN****Lead Attorneys****DEFENDANT FREEMAN, JAMES "CHRIS"****DEFENDANT GOOD VAPES LLC D/B/A GOOD VAPES****PLAINTIFF DUNCAN, JENNIFER****JASON H. FRIEDMAN***Retained*

972-788-1400(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
04/18/2014	NEW CASE FILED (OCA) - CIVIL		
04/18/2014	ORIGINAL PETITION		
	ORIGINAL PETITION		
04/18/2014	CASE FILING COVER SHEET		
	CASE FILING COVER SHEET		
04/18/2014	ISSUE CITATION		
04/21/2014	CITATION		
	- ATTY		
	FREEMAN, JAMES "CHRIS"	Served	04/22/2014
		Returned	04/28/2014
	FREEMAN, ERIN	Served	04/22/2014
		Returned	04/28/2014
	GOOD VAPES LLC D/B/A GOOD VAPES	Served	04/22/2014
		Returned	04/23/2014
04/23/2014	AFFIDAVIT		
	Return of Service		
04/28/2014	AFFIDAVIT		
	Proof of Service		
04/28/2014	AFFIDAVIT		
	Proof of Service		

FINANCIAL INFORMATION

PLAINTIFF DUNCAN, JENNIFER			
	Total Financial Assessment		343.00
	Total Payments and Credits		343.00
	Balance Due as of 05/19/2014		0.00
04/21/2014	Transaction Assessment		343.00
04/21/2014	CREDIT CARD - TEXFILE Receipt # 22623-2014-DCLK (DC)	DUNCAN, JENNIFER	(343.00)

Exhibit A7